

1 LYNN H. PASAHOW (CSB No. 054283) (lpasahow@fenwick.com)
 2 CHARLENE M. MORROW (CSB No. 136411) (cmorrow@fenwick.com)
 3 PATRICK E. PREMO (CSB No. 184915) (ppremo@fenwick.com)
 4 CAROLYN C. CHANG (CSB No. 217933) (cchang@fenwick.com)
 5 C. J. ALICE CHUANG (CSB No. 228556) (achuang@fenwick.com)
 6 FENWICK & WEST LLP
 7 Silicon Valley Center, 801 California Street
 8 Mountain View, CA 94041
 9 Telephone: (650) 988-8500
 10 Facsimile: (650) 938-5200
 11 CHARLES F. ROBINSON (CSB No. 113197) (charles.robinson@ucop.edu)
 12 P. MARTIN SIMPSON (CSB No. 122867) (marty.simpson@u
 13 cop.edu)
 14 RITA HAO (CSB No. 191693) (rita.hao@ucop.edu)
 15 UNIVERSITY OF CALIFORNIA *E-FILED 10/29/07*
 16 1111 Franklin Street, 8th Floor
 17 Oakland, CA 94607
 18 Telephone: (510) 987-9800
 19 Facsimile: (510) 987-9757
 20 Attorneys for Plaintiff/Counterdefendant
 21 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
 22

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

15 THE REGENTS OF THE UNIVERSITY OF
 16 CALIFORNIA,

17 Plaintiff,

18 v.

19 MICRO THERAPEUTICS, INC., a Delaware
 20 corporation, DENDRON GmbH, a German
 corporation, and ev3 INC., a Delaware
 corporation,

21 Defendants,

22 MICRO THERAPEUTICS, INC., a Delaware
 23 corporation, and DENDRON GmbH, a German
 corporation,

24 Third Party Plaintiffs,

25 v.

26 BOSTON SCIENTIFIC CORPORATION,
 27 a Delaware corporation, and TARGET
 28 THERAPEUTICS, INC., a Delaware corporation,

29 Third Party Defendants

Case No. C 03 05669 JW (RS)

**STIPULATION AND [PROPOSED] ORDER
RE DEADLINE ON PLAINTIFF'S
OBJECTIONS TO THE COURT'S
OCTOBER 12, 2007 ORDER GRANTING
DEFENDANTS' MOTION TO COMPEL**

Judge: Honorable Richard Seeborg
 Place: Courtroom 4, 5th Floor

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rules 6-2 and 7-12, Plaintiff
 2 and Counterdefendant The Regents of the University of California (“The Regents”) and
 3 Defendants and Counterclaimants Micro Therapeutics, Inc., Dendron GmbH, and ev3 Inc.
 4 (collectively “Defendants” or “MTI”) hereby stipulate as follows:

5 1. On October 12, 2007, this Court issued an Order granting MTI’s Motion to
 6 Compel Plaintiff to Produce Documents Related to its Patentability Search (Dkt. No. 946).

7 2. On October 15, 2007, The Regents filed its (1) Motion for Leave to File
 8 Emergency Motion for Reconsideration of the Court’s October 12, 2007 Order on Defendants’
 9 Motion to Compel and Motion to Shorten Time (Dkt. No. 950) (“Motion for Leave and to
 10 Shorten Time”), and (2) Motion for Reconsideration of the Court’s October 12, 2007 Order on
 11 Defendants’ Motion to Compel (Dkt. No. 952) (“Motion for Reconsideration”).

12 3. On October 16, 2007, this Court clarified that the 10-day time period for
 13 objections to the Court’s October 12, 2007 Order is tolled while The Regents’ Motions are
 14 pending. (Premo Decl.¹ ¶ 5). The parties further note that the Court’s October 16, 2007 Minute
 15 Order (Dkt. No. 954) states “Plaintiff’s motion to reconsider order issued 10/12/07 to be held in
 16 abeyance.”

17 4. On October 18, 2007, Judge Ware entered an Order, pursuant to the parties’
 18 stipulation, staying enforcement of the Court’s October 12, 2007 Order until further order of the
 19 Court. (See Dkt. No. 962, at 3 & ¶¶ 1 & 4.)

20 5. To avoid any confusion regarding the deadline for filing any objections, the parties
 21 hereby confirm that the 10-day limitation for filing objections with the District Court to the
 22 Court’s October 12, 2007 Order (Dkt. No. 946) pursuant to Federal Rule of Civil Procedure 72(a)
 23 has been tolled in light of The Regents’ pending Motion for Reconsideration. *See Epperly v. The*
24 Lehmann Co., 161 F.R.D. 72, 74-75 (S.D. Ind. 1994); *see also Am. Hardware Mfrs. Ass’n v. Reed*
25 Elsevier, Inc., No. 03 C 9421, 2007 U.S. Dist. LEXIS 39639, at *17-18 (N.D. Ill. Feb. 13, 2007);
26 Yurman Design, Inc. v. Chaindom Enters., Inc., No. 99 Civ. 9307, 2000 U.S. Dist. LEXIS 18329,

27
 28 ¹ “Premo Decl.” refers to the Declaration of Patrick E. Premo in Support of Stipulation and
 [Proposed] Order Re Deadline on Plaintiff’s Objections to the Court’s October 12, 2007
 Order Granting Defendants’ Motion to Compel, filed herewith.

1 at *2-4 (S.D.N.Y. Dec. 20, 2000); (Premo Decl. ¶ 6). Thus, The Regents need not file objections
2 to the Court's October 12, 2007 Order (Dkt. No. 946), until 10 days after the Court has served its
3 Order on The Regents' Motion for Reconsideration.

4 **IT IS SO STIPULATED.**

5 **ATTESTATION**

6 Concurrence in the filing of this document has been obtained from the other signatories.

7 Dated: October 26, 2007

By: /s/Patrick E. Premo

8 Lynn H. Pasahow (SBN 054283)
9 Charlene M. Morrow (SBN 136411)
Patrick E. Premo (SBN 184915)

10 FENWICK & WEST LLP

11 Attorneys for Plaintiff/Counterdefendant
12 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

13 Dated: October 26, 2007

By: /s/David E. Jones

14 John S. Skilton (*pro hac vice*)
15 David E. Jones (*pro hac vice*)
Michelle M. Umberger (*pro hac vice*)

16 HELLER EHRLMAN LLP

17 Attorneys for Defendants/Counterclaimants
18 MICRO THERAPEUTICS, INC. and DENDRON GMBH

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 29, 2007

RED.
Richard Schaefer

The Honorable Richard Seeborg
United States Magistrate Judge

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FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW